

ASSEMBLY BILL

No. 1914

Introduced by Assembly Member Chesbro

February 19, 2014

An act to add Section 1394.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1914, as introduced, Chesbro. Water resources: permits: terms and conditions.

Under existing law, the State Water Resources Control Board is required to issue a water permit upon approval of an application if certain facts exist subject to specified terms and conditions. Existing law authorizes the board to reserve jurisdiction, in whole or in part, to amend, revise, supplement, or delete terms and conditions in a permit under specified circumstances.

This bill would require the board, when approving an application for a water permit or an application for renewal or amendment of a water permit that affects the Lower Klamath River or the Trinity River, to conform the use of that permit to the minimum instream flows established by the United States Department of the Interior's Record of Decision, Trinity River Mainstem Fishery Restoration, Final Environmental Impact Statement/Environmental Impact Report, adopted December 19, 2000, and to adopt specified requirements.

The bill would require the board to reserve jurisdiction over any permit affecting the Lower Klamath River or the Trinity River and to apply the terms and conditions adopted pursuant to the above-specified provisions to any existing permit affecting the Lower Klamath River or the Trinity River, including, but not limited to, a permit issued for unappropriated water, for water under an existing right, for an amount

of water over that which is available under an existing right to meet the beneficial use requirements of a project, or for an amount of water reasonably necessary for any other identified beneficial use.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1394.5 is added to the Water Code, to
2 read:

3 1394.5. (a) When approving an application for a water permit
4 or an application for renewal or amendment of a water permit that
5 affects the Lower Klamath River or the Trinity River, the board
6 shall conform the use of that permit to the minimum instream flows
7 established by the United States Department of the Interior's
8 Record of Decision, Trinity River Mainstem Fishery Restoration,
9 Final Environmental Impact Statement/Environmental Impact
10 Report, adopted December 19, 2000, and do all of the following:

11 (1) Designate the Lower Klamath River, from the confluence
12 of the Trinity River downstream to the Pacific Ocean, and the
13 Trinity River, from Trinity Dam to the confluence of the Klamath
14 River, as an authorized place of use.

15 (2) Adopt the Trinity River temperature water quality objectives
16 contained in the Water Quality Control Plan for the North Coast
17 Region as standard permit terms and conditions.

18 (3) Adopt minimum cold water carryover storage operational
19 criteria to ensure compliance with the Water Quality Control Plan
20 for the North Coast Region temperature objectives for the Trinity
21 River.

22 (b) The board shall reserve jurisdiction over any permit affecting
23 the Lower Klamath River or the Trinity River and apply the terms
24 and conditions adopted pursuant to subdivision (a) to any existing
25 permit affecting the Lower Klamath River or the Trinity River,
26 including, but not limited to, a permit issued for unappropriated
27 water, for water under an existing right, for an amount of water
28 over that which is available under an existing right to meet the
29 beneficial use requirements of a project, or for an amount of water
30 reasonably necessary for any other identified beneficial use.

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